

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)

SDCL 15-6-56(c)

)

RULE 06-70

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A hearing was held on October 3, 2006, at Sioux Falls, South Dakota, relating to the amendment of SDCL 15-6-56(c), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-56(c) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-56(c). Motion for summary judgment and proceedings thereon.

The motion shall be served at least ten days before the time fixed for the hearing. Any briefing must comply with § 15-6-6(d). The adverse party prior to the day of hearing may serve opposing affidavits.

(1) A party moving for summary judgment shall attach to the motion a separate, short, and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. Each material fact in this required statement must be presented in a separate numbered statement and with appropriate citation to the record in the case.

(2) A party opposing a motion for summary judgment shall include a separate, short, and concise statement of the material facts as to which the opposing party contends a genuine issue exists to be tried. The opposing party must respond to each numbered paragraph in the moving party's statement with a separately numbered response and appropriate citations to the record.

(3) All material facts set forth in the statement that the moving party is required to serve shall be admitted unless controverted by the statement required to be served by the opposing party.

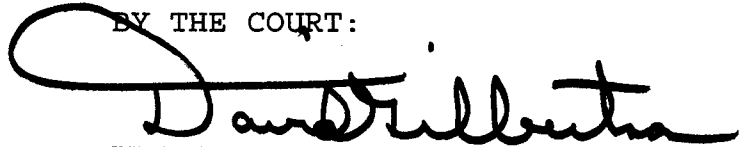
Rule 06-70

The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

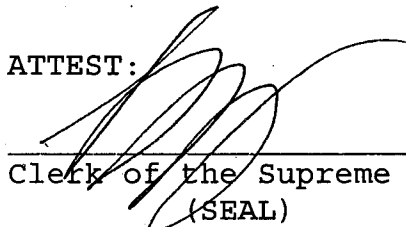
IT IS FURTHER ORDERED that the rule shall become effective January 1, 2007.

DATED at Pierre, South Dakota, this 18th day of October, 2006.

BY THE COURT:


David Gilbertson, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OCT 18 2006


Clerk